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6 *Attorneys for Plaintiff Julia Detweiler*

8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

11 JULIA DETWEILER, individually and
12 as successor-in-interest to Nicholas
13 Detweiler, deceased,

14 Plaintiff,

15 v.

17 CITY OF MOUNT SHASTA;
18 JEREMIAH CAPURRO; NATIONAL
RAILROAD PASSENGER
19 CORPORATION; BRUCE GARRETT;
20 and DOES 1 through 10, inclusive,

21 Defendants.

Case No. 2:24-cv-03100-WBS-SCR

Hon. William B. Shubb

JOINT RULE 26(f) REPORT

Scheduling Conference:

Date: May 5, 2025

Time: 1:30 p.m.

Crtrm: 5

1 **TO THE HONORABLE COURT:**

2 Plaintiff JULIA DETWEILER, individually and as successor in interest to
3 decedent, Nicholas Detweiler (“Plaintiff”), and Defendants CITY OF MOUNT
4 SHASTA, JEREMIAH CAPURRO, NATIONAL RAILROAD PASSENGER
5 CORPORATION, and BRUCE GARRETT (“Defendants”) (collectively “the
6 Parties”), hereby submit this Joint Status Report pursuant to the Court’s January 7,
7 2025, Order re: Status (Pretrial Scheduling) Conference.

8 Counsel for all parties to this action have conferred together with counsel for
9 the parties to the related action, *Bruce Garrett v. City of Mount Shasta, et al.*, No.
10 2:25-cv-00420-WBS-SCR, which has been related to this action by order of the
11 Court. [Dkt. 15.] The related *Garrett* action is currently set for a Status (Pretrial
12 Scheduling) Conference on August 11, 2025. [No. 2:25-cv-00420, Dkt. 10.] It is the
13 intent of all parties to both actions to coordinate discovery between the two actions,
14 and for the discovery schedule the Court will set—based on the schedule proposed in
15 this Report—to govern both actions.

16 (a) **Plaintiff Julia Detweiler’s Summary of Claims**

17 This case arises out of the fatal shooting of Nicholas Detweiler aboard an
18 Amtrak train on December 25, 2023. Defendant and City of Mount Shasta police
19 officer Jeremiah Capurro responded to a call regarding a passenger disturbance and
20 boarded the train with Defendant Bruce Garrett, an Amtrak employee. Defendant
21 Garrett led Defendant Capurro to the train car in which Mr. Detweiler was seated,
22 where Defendant Capurro woke Mr. Detweiler and directed him to raise his hands
23 and exit the train. An altercation ensued during which Defendant Capurro used less-
24 lethal weapons against Mr. Detweiler and Defendant Garrett grabbed Mr. Detweiler
25 from behind, before Defendant Capurro fired several gunshots, striking Mr.
26 Detweiler and Defendant Garrett. Mr. Detweiler sustained multiple gunshot wounds
27 and died from his injuries.

28 The plaintiff is Mr. Detweiler’s mother, Julia Detweiler. The named

1 defendants are the City of Mount Shasta, Jeremiah Capurro, National Railroad
2 Passenger Corporation (d/b/a Amtrak), and Bruce Garrett. Plaintiff contends that
3 Defendant Capurro used excessive and unreasonable force against Mr. Detweiler,
4 including deadly force, that resulted in his injuries and ultimately his death, which
5 violated his and Plaintiff's constitutional rights (Fourth Amendment, Excessive force
6 (42 U.S.C. § 1983); First and Fourteenth Amendments, Interference with Familial
7 Relationship (42 U.S.C. § 1983); Battery (Wrongful Death and Survival); Violation
8 of Tom Bane Act, Cal. Civil Code § 52.1), and that Defendant Capurro failed to
9 timely provide or secure the provision of medical care to Mr. Detweiler after the
10 shooting (Fourth Amendment, Denial of Medical Care (42 U.S.C. § 1983)). Plaintiff
11 further contends that Defendant Garrett committed a battery against Mr. Detweiler
12 prior to the use of deadly force. Plaintiff further contends that Defendant Capurro did
13 not have reasonable suspicion or probable cause to detain or arrest Mr. Detweiler
14 (Fourth Amendment, Unlawful Detention and Arrest (42 U.S.C. § 1983)). Plaintiff
15 further contends that Defendant Capurro was negligent in his conduct toward Mr.
16 Detweiler, including his pre-shooting tactics, use of force, and use of deadly force.
17 Plaintiff seeks damages, attorney fees, and costs as permitted by law.

18 Defendants deny liability and assert numerous affirmative defenses.

19 **Defendants City of Mount Shasta and Jeremiach Capurro's Summary of**
20 **Claims**

21 Body-worn camera footage captured the incident and the events leading up to
22 the incident. During the incident, Defendant Capurro discharged his firearm and
23 struck both Garrett and Detweiler. Defendants deny engaging in unlawful conduct.

24 **Defendant National Railroad Passenger Corporation, service mark**
25 **Amtrak's Summary of Claims**

26 A body-worn camera captured the incident and the events leading up to the

1 incident. The decedent Detweiler brandished brass knuckles,¹ a deadly weapon and a
2 felony, three separate times on board the train to two different passengers and then to
3 Assistant Conductor Bruce Garrett. There were approximately 170 passengers and
4 other crewmembers on board the train whose safety was endangered by the decedent
5 Detweiler's menacing conduct. The train crew asked for police assistance as they
6 were trained to do, and which also comports with common sense. City of Mount
7 Shasta police officer Jeremiah Capurro took over when the train pulled up to a grade
8 crossing to let him on to remove decedent Detweiler from the train with his brass
9 knuckles. Assistant Conductor Bruce Garrett is shown on the police officer's body
10 worn video walking past the decedent Detweiler, pointing him out to the police
11 officer, and staying in the vestibule approximately 15 feet away from the interaction
12 between Detweiler and the police officer at first. Only after decedent Detweiler failed
13 to obey repeated commands from the police officer, then grabbed the police officer's
14 taser, and continued to physically struggle with the police officer, Assistant
15 Conductor Garrett attempted to restrain Detweiler in the defense of other passengers
16 and the police officer, which is an affirmative defense to battery based on Civil Code
17 section 50 and CACI 1304. Assistant Conductor Garrett attempted to keep Detweiler
18 at bay while the police officer ordered Detweiler to get on the ground. Detweiler
19 removed a glove from his right hand and put brass knuckles on again, for the fourth
20 time on the train. Then Detweiler turned to hit the conductor with the brass knuckles
21 and the police officer fired multiple shots, striking Detweiler and the assistant

23 ¹ Brass knuckles are metal objects worn around a hand to increase the power and
24 destructive ability of a punch. Decedent Detweiler's brass knuckles were shaped to
25 fit around his clenched fist. The force from a punch by an individual using brass
26 knuckles is very dangerous and can be lethal. Brass knuckles are prohibited in
27 California under Penal Code section 21810, which states that it is a criminal offense
28 to manufacture, sell, or possess them, and brandishing and using them constitutes a
felony. Brass knuckles are also prohibited in California based on California Penal
Code section 16590.

1 conductor. The police officer reportedly suffered a moderate brain concussion and
2 facial injuries due to blunt force trauma that Detweiler inflicted on him before the
3 shooting.

(b) Status of Service on Defendants

5 All named defendants have been timely served or have timely executed
6 waivers of service.

(c) Possible Joinder of Additional Parties

8 Plaintiff Julia Detweiler intends to amend the Complaint to name additional
9 involved individuals currently identified in the complaint as Doe defendants, if
10 additional individuals who may have liability are identified during discovery.

11 Defendant Amtrak believes that the Decedent's biological father Douglas
12 Bruce Detweiler may need to be joined as a nominal defendant because he is not
13 named as a plaintiff in the Complaint.

(d) Contemplated Amendments to Pleadings

15 Plaintiff Julia Detweiler intends to amend the Complaint to name additional
16 involved individuals currently identified in the complaint as Doe defendants, if
17 additional individuals who may have liability are identified during discovery.

18 Defendant Amtrak is evaluating whether it may need to file a defensive cross-
19 claim against Defendants the City of Mt. Shasta and Jeremiah Capurro for indemnity
20 and declaratory relief.

(e) Statutory Basis of Jurisdiction and Venue

22 This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and
23 1333(a)(3)-(4) because Plaintiff Julia Detweiler asserts claims arising under the laws
24 of the United States, including 42 U.S.C. § 1983 and the First, Fourth, and
25 Fourteenth Amendments of the United States Constitution. This Court has
26 supplemental jurisdiction over Plaintiff Julia Detweiler’s claims arising under state
27 law pursuant to 28 U.S.C. § 1337(a), because those claims are so related to the
28 federal claims that they form part of the same case or controversy under Article III of

1 the United States Constitution.

2 Venue is proper in this Court under 28 U.S.C. § 1331(b) because all incidents,
3 events, and occurrences giving rise to this action occurred in this district, and at least
4 some defendants reside in this district.

5 **(f) Proposed Discovery Plan**

6 The parties do not propose any changes to the timing, form, or requirement for
7 disclosures under Rule 26(a)(1). The parties will exchange initial disclosures on or
8 by May 8, 2025.

9 Plaintiff Julia Detweiler anticipates taking the deposition upon oral
10 examination of the involved individual defendants, additional officers who
11 responded to the scene after the shooting, medical personnel, percipient witnesses,
12 and Defendants' expert witnesses. The additional officers, medical personnel, and
13 percipient witnesses have not yet been identified, and experts have not yet been
14 disclosed.

15 Plaintiff Julia Detweiler anticipates serving written interrogatories, requests
16 for admission, and requests for production of documents on the issues of liability.

17 Defendant Amtrak anticipates taking depositions of Plaintiff, decedent's
18 acquaintances, decedent's biological father Douglas Bruce Detweiler and his spouse
19 Karen Detweiler, the involved individual defendants, additional officers who
20 responded to the scene after the shooting, Siskiyou County Sheriff's Department and
21 deputies who responded immediately and rendered attempted lifesaving measures,
22 other emergency responders to be identified, Department of Justice investigators,
23 medical personnel who responded to the incident scene, and who treated Officer
24 Capurro for a head injury resulting from a blow to the head by the decedent, and who
25 treated the train's conductor Bruce Garrett for his injuries, percipient witnesses
26 including the passengers and other crew members on the train that the decedent
27 menaced with his brass knuckles, and Plaintiff's expert witnesses, along with
28 percipient witnesses, law enforcement and others involved in the decedent's prior

1 arrests and incidents in a July of 2010 assault and battery in Illinois, and the
2 decedent's January of 2018 robbery, brandishing of deadly weapons, threatening to
3 kill neighbors with an ax and gasoline, threatening to cut off his neighbor's head,
4 scalp her children, and kill her husband, robbery, and prior assaults on law
5 enforcement officers. The additional officers, medical personnel, and percipient
6 witnesses have not yet been identified, and experts have not yet been disclosed.

7 Amtrak anticipates serving subpoenas for the California Department of Justice
8 investigation Case No. BI-DU2023-00015 with recorded interviews of those
9 involved and all of the DOJ's investigation material, demands for production and
10 subpoenas for the body worn video of investigating officers, responding sheriff's
11 deputies, and Officer Capurro, subpoenas for police and sheriff reports, dispatcher
12 tapes, photos, videos, and other evidentiary material, coroner's reports and
13 toxicology records for Detweiler, subpoenas related to the decedent's prior criminal
14 activity, and discovery to Plaintiff including written interrogatories, requests for
15 admission, and requests for production of documents and things on liability and
16 damages issues.

17 The Parties do not see any issues regarding electronically stored information
18 pursuant to Rule 26(f)(3)(C) in this case. The Parties agree that documents
19 maintained in electronic format may be produced in hard copy format.

20 **(g) Proposed Discovery Cut-Off Date**

21 The Parties propose that discovery be conducted in two phases: fact discovery
22 and expert discovery. The Parties proposed a fact discovery cut-off date of April 17,
23 2026. The Parties propose an initial disclosure of experts and information pursuant to
24 Rule 16(a)(2) date of June 19, 2026, and a disclosure of rebuttal experts and related
25 information date of July 10, 2026. The Parties propose a cut-off date of August 7,
26 2026, by which expert discovery shall be concluded.

27 Defendants City of Mount Shasta and Jeremiah Capurro propose the following
28 schedule after fact discovery cut-off: initial disclosure of experts and information

1 pursuant to Rule 16(a)(2) date of July 17, 2026; a disclosure of rebuttal experts and
2 related information date of September 11, 2026; and a cut-off date of October 9,
3 2026, by which expert discovery shall be concluded.

4 **(h) Proposed Motion Cut-Off Date**

5 The Parties propose deadline of September 11, 2026, for the filing and hearing
6 of dispositive motions.

7 Defendants City of Mount Shasta and Jeremiah Capurro propose a deadline of
8 November 6, 2026.

9 **(i) Proposed Modifications to Standard Pretrial Proceedings**

10 The Parties do not propose any modifications to the standard pretrial
11 proceedings other than that Defendant Amtrak requests a reasonable number of
12 additional special interrogatories to Plaintiff concerning liability and damages due to
13 the numerous allegations in the complaint and the scope of recoverable damage in
14 wrongful death actions.

15 Plaintiff Julia Detweiler opposes a grant of leave to exceed the number of
16 interrogatories allowed by the Federal Rules of Civil Procedure.

17 **(j) Trial Estimate**

18 The Parties estimate 5-7 court days for trial, unless the related action is
19 consolidated for trial. At this time, the Parties have not agreed to consolidate the two
20 actions for trial, but will continue to evaluate that possibility as discovery proceeds
21 and will file a stipulation if an agreement to consolidate the cases for trial is reached.

22 **(k) Related Cases**

23 This case is related to the case *Bruce Garrett v. City of Mount Shasta, et al.*,
24 No. 2:25-cv-00420-DAD-CKD. The Court ordered both cases related on February 9,
25 2025. Through this Report, the attorneys for all parties in the related cases seek this
26 Court's order coordinating discovery, and will file a stipulation to that effect if
27 requested by the Court.

28

1 **(l) Other Matters (L.R. 240)**

2 None applicable.

3 **(m) Statement by Nongovernmental Corporate Party**

4 Defendant National Passenger Railroad Corporation service mark AMTRAK
5 is a District of Columbia corporation that was authorized to be created by the Rail
6 Passenger Service Act, 49 U.S.C. §24101 et seq. Amtrak has no parent corporation.
7 It has three wholly owned subsidiaries: Passenger Railroad Insurance Limited
8 (PRIL), Washington Terminal Company (WTC), and NERI PCC, Inc. (NERI). The
9 United States holds, through the U.S. Secretary of Transportation, 100% of Amtrak's
10 preferred stock (109,396,994 shares at \$100 par value). Amtrak's common stock
11 (9,385,694 shares at \$10 par value) is held by American Premier Underwriters, Inc.
12 (55.8%; a wholly owned, not publicly traded, subsidiary of American Financial
13 Group, Inc., which is publicly traded), Burlington Northern and Santa Fe LLC
14 (35.7%; BNSF LLC is a wholly owned, not publicly traded, subsidiary of Berkshire
15 Hathaway, which is publicly traded), Canadian Pacific Railway (6.3%), and
16 Canadian National Railway (2.2%). None of Amtrak's stock is publicly traded.

17 **(n) Parties' Preference Regarding Appearance at Status Conference**

18 The Parties are satisfied with having the Court issue a Status (Pretrial
19 Scheduling) Order based on their Joint Status Report, unless the Court has questions
20 for counsel.

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1 Respectfully submitted,

2 Dated: April 18, 2025

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4 By /s/ Benjamin S. Levine

5 DALE K. GALIPO

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8 Dated: April 18, 2025

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15 Dated: April 18, 2025

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20 Dated: April 18, 2025

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26 / / /

27 / / /

28 / / /

1 Dated: April 18, 2025

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7 *2:25-cv-00420-WBS-SCR)*

8 Dated: April 18, 2025

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